

an anonymous purchase using a computer-implemented purchasing system, classified in Class 705, subclass 26 or Group II: Claims 10-14, drawn to a computer-implemented purchasing system for transacting an anonymous purchase classified in Class 706, subclass 26.

Applicant hereby provisionally elects to prosecute the claims of Group I (claims 1-9) in the above identified case, but traverses the restriction requirement with respect to the claims of Group II (claims 10-14).

B. Traverse To Restriction Based on Distinctiveness

As set forth in the MPEP § 803, restriction may properly be required between patentably distinct inventions if (1) the inventions are independent or distinct as claimed; and (2) there is a serious burden on the Examiner if restriction is not required.

With regard to the claims of Groups I and II in the present case, the Examiner has stated that the inventions are related as process and apparatus for its practice and are distinct under the requirements of MPEP § 806.05(f). However, Applicant respectfully submits that there will not be, nor has the Examiner shown, a serious burden on the Examiner if restriction between the claims directed to a method for transacting an anonymous purchase (Group I) and claims directed to a computer-implementing purchasing system for transacting an anonymous purchase (Group II).

Restriction is not required because, regardless of which set of claims are prosecuted, the field of search for each invention will substantially overlap, if not be identical to, the other. A separate field of search is shown to exist only when one of the distinct subjects can be searched in places where no pertinent art to the other subject exists. In this case, however, there is absolutely no indication that a separate field of

search is required. In fact, the Examiner specifically states that the inventions are in the same class. Thus, the Examiner has not met the *prima facie* requirement for demonstrating a serious burden. If the Examiner maintains the restriction. Applicant respectfully requests the requisite showing of serious burden. //

In view of the above, it is respectfully submitted that the conditions set forth in the MPEP § 803 do not require that the inventions of Groups I and II be restricted in this case, because there will not be a serious burden on the Examiner if restriction is not required. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the restriction requirement as to the claims of Groups I and II and pass this application for action on the merits of the pending claims.

II. Response to Requirement for Restriction Based on Independence

A. Examiner's Finding

The Examiner has also determined that this application contains claims directed to patentably distinct species of the invention -- species A: Figs. 3, 4A, and 4B, species claims 2-4; and species B: Fig. 5, species claims 5 and 6. The Examiner further states that Claims 1, 7, 8, and 9 are generic claims. The Examiner has requested that Applicant elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

* Applicant hereby provisionally elects to prosecute species A (Figs. 3, 4A, and 4B; species Claims 2-4) in the above-identified case, but traverses the restriction requirement.

B. Traverse the Restriction Requirement

Applicant first respectfully submits that the arguments made above with respect to Groups I and II regarding the Examiner failing to demonstrate a serious burden applied equally hereto.

As also set forth in the MPEP §803, "Examiners must provide reasons and/or examples to support conclusions." Applicant respectfully submits that with respect to the finding of species, the Examiner has failed to provide any reasons and/or examples to support the findings of two species in the subject patent application. In particular, the Examiner has provided no reasons and/or examples as to why the inventions described herein are independent to support the finding of species A and species B. Therefore, Applicant cannot properly traverse the restriction requirement because the Examiner has failed to provide reasons and/or examples to support to support the Examiner's conclusions.

Therefore, Applicant reiterates its prior argument that no serious burden is placed on the Examiner if restriction is not required. In the alternative, Applicant respectfully submits that it cannot properly traverse the requirement because the Examiner has failed to provide reasons and/or examples to support his conclusions.

CONCLUSION

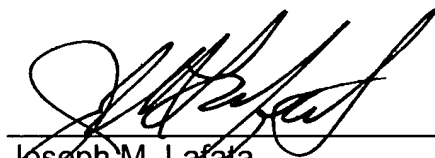
It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the outstanding restriction requirements. It is believed that a full and complete response has been made to the outstanding Office

Action, and as such, the present application is in condition for substantive examination. Thus, prompt and favorable consideration of this response is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated:

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